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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re NATAI A., a Person Coming Under  
the Juvenile Court Law.

B194804  
(Los Angeles County  
Super. Ct. No. JJ13635)

THE PEOPLE,

Plaintiff and Respondent,

v.

NATAI A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Charles R. Scarlett, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed as modified.

Patricia Winters, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Scott A. Taryle, Supervising Deputy Attorney General, and Tannaz Kouhpainezhad, Deputy Attorney General, for Plaintiff and Respondent.

## I. INTRODUCTION

The minor, Natai A., appeals from an October 10, 2006 Welfare and Institutions Code section 602 wardship order. The juvenile court sustained the allegations of a petition filed August 9, 2006, charging the minor with battery with injury on a peace officer, a felony. (Pen. Code, § 243, subd. (c)(2).) In addition, the minor admitted the allegations of a petition filed December 28, 2005, charging her with petty theft, a misdemeanor. (Pen. Code, § 484, subd. (a).) The minor was placed home on three years' probation with six days of predisposition credit. The minor appealed and we appointed counsel to represent her. We modify the predisposition credit and affirm the wardship order.

## II. BACKGROUND

The minor was detained on December 23, 2005. A petition filed on December 28, 2005 alleged the minor had committed two misdemeanor offenses, petty theft (Pen. Code, § 484, subd. (a)) and battery (Pen. Code, § 242). The minor was placed on six months' informal supervision pursuant to Welfare and Institutions Code section 654.2. Her compliance with probation conditions was satisfactory. However, the minor was taken into custody a second time on April 20, 2006. An August 9, 2006 petition alleged the minor committed a felony, battery with injury on a peace officer. (Pen. Code, § 243, subd. (c)(2).) Los Angeles Unified School District Police Officer Hector Trujillo attempted to arrest a student. The minor grabbed the handcuffs and the other student's wrist. The minor said: "You can't arrest her. We're out here." When Office Trujillo detained the minor, she bit him. The minor denied she had bitten the officer. The minor was detained but then released after 48 hours because the law enforcement agency failed to file "necessary" documents. The juvenile court sustained the August 9, 2006 battery with injury on a peace officer petition. The minor admitted the petty theft allegation in

the December 28, 2005 petition. The second count of that initial petition alleging battery was dismissed. The minor was declared a ward of the court. She was ordered home on three years' probation. A probation condition that she spend up to 90 days in Juvenile Hall was stayed. She was given a predisposition credit of six days.

### III. DISCUSSION

Appointed counsel has filed a brief in which no issues are raised. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442; see *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On April 4, 2007, we advised the minor she had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or argument she wished this court to consider. The minor has not filed any response.

We asked the parties to brief the question whether the juvenile court miscalculated the minor's predisposition credit. A minor is entitled to predisposition credit for time detained in juvenile hall pending resolution of charges. (*In re Eric J.* (1979) 25 Cal.3d 522, 533-536; *In re Emilio C.* (2004) 116 Cal.App.4th 1058, 1068.) This court has held, "It is the juvenile court's duty to calculate the number of days earned, and the court may not delegate that duty. (Pen. Code, § 2900.5, subd. (d); *People v. Vargas* (1988) 204 Cal.App.3d 1455, 1469, fn. 9.)" (*In re Emilio C.*, *supra*, 116 Cal.App.4th at p. 1067.) The minor was detained for 7 days from December 23 to December 29, 2005, and for 48 hours beginning April 20, 2006. Therefore, she was entitled to 9 days of predisposition custody credit.

#### IV. DISPOSITION

The wardship order is modified to reflect 9 days of predisposition custody credit and is affirmed as modified.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

MOSK, J.